





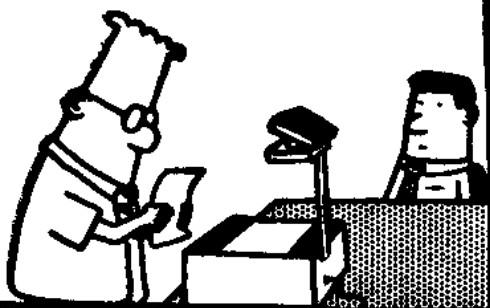
**PERS-4832**

**ENLISTED SEPARATIONS**

**BRANCH**



I'D LIKE TO START  
WITH A CARTOON.

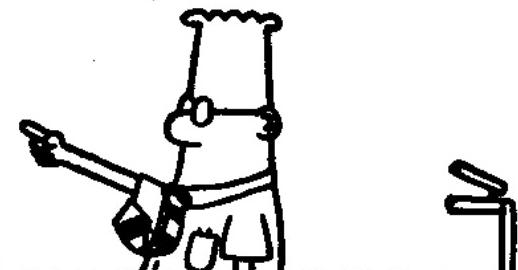


IT'S ABOUT A GUY  
WHO SHOWS A  
CARTOON BEFORE  
GIVING A BORING  
PRESENTATION.



BUT IT DOESN'T  
WORK BECAUSE  
THE CARTOON HAS  
NO PUNCHLINE.

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PERS-48

# Personnel Progression, Performance and Security Department

P E R S - 4 8

P E R S - 4 8 0  
Officer Career  
Progression

P E R S - 4 8 1  
Enlisted Career  
Progression

P E R S - 4 8 2  
Retirements, Fleet Reserve  
& Disability Retirements

P E R S - 4 8 3  
Personnel Performance,  
Security & Separations



# PERS-483

## Personnel, Performance, Security and Separations Division

Director  
PERS-483

PERS-483CC  
Family Advocacy

PERS-4832  
Enlisted Separations/Security

PERS-4833  
Officer Post-Board Matters

PERS-4834  
Officer Performance &  
Separations



# What is Administrative Separation?

- **Voluntary:** mutual agreement; not a right
- **Involuntary:** Military equivalent of being fired
  - Does not constitute punishment
- **Purpose of Administrative Separation:**
  - Maintain Standards
  - Encourage Honorable Service
  - Protect Rights of Individual
  - Balance accession/training costs vs. cost of retaining



# Types of Administrative Separations



## ■ NON-ADVERSE

- **Involuntary Discharge for “Favorable” Reasons**
  - » **Personality Disorder, Parenthood, Physical or Mental Conditions**
- **Voluntary Discharge**
  - » **Pregnancy, Hardship, Alien**

## ■ ADVERSE

- **Involuntary Discharge for “Unfavorable” Reasons**
  - » **Misconduct, Drug Abuse, Alcohol Rehab Failure, In Lieu of Court-Martial (*Voluntary*), Fraudulent Enlistment, Homosexual Conduct**



# Two Basic Procedures



- **Notification Procedures (paperwork only; no hearing)**
  - When Offense Warrants a General
  - Sailors Over 6 Years Always Have a Right to a Board
  - Sailors Less Than 6 Years Have a Right to GCMCA Review (flag officer)
- **Admin Board Procedures (formal hearing)**
  - Required for all Mandatory Reasons (except alcohol rehab failure)
  - When Offense Warrants an OTH



# Non-Adverse Reasons For Processing

- Convenience of the Government (COG) - Pregnancy/Childbirth or Parenthood
- COG - Physical/Mental Conditions or Personality Disorder
- COG - Being an Alien
- Separation by Reason of Defective Enlistments and Inductions - Minority Status, Erroneous Enlistment, Defective Enlistment
- COG - Hardship (PERS-40HH)



# Adverse Reasons for Processing



- **Misconduct**
  - **Serious Offense**
  - **Civilian Conviction**
  - **Pattern of Misconduct**
  - **Minor Disciplinary Infractions**
  - **Entry Level Performance and Conduct**
  - **Unsatisfactory Performance**
- **Fraudulent Enlistment**
- **Drug Abuse**
- **Homosexual Conduct**



# Adverse Reasons for Processing



- **Drug or Alcohol Abuse Rehab Failure**
- **FAP Rehab Failure**
- **Supremacist or Extremist Conduct**
- **BIOTS (not always adverse, may be voluntary/involuntary)**



# Mandatory Processing

(MPM 1910-233)

- **Homosexual Conduct (statement, act, marriage)**
- **Serious Offense (aggravating factors 1, 2 or 3)**
- **Civilian Conviction (aggravating factors 1 or 2)**
- **Drug Abuse**
- **Participation in Extremist or Supremacist Activity**
- **FAP Rehab Failure (BIOTS)**
- **Alcohol Rehab Failure (notification procedures)**
- **When CNPC directs ADSEP processing**

#### Aggravating Circumstances

(1) Violent misconduct which resulted in, or had the potential to result in death or serious bodily injury.

(2) Deviant sexual behavior.

(3) Sexual Harassment if:

Threats or Rewards to influence career OR

Unwanted physical contact



# Physical Fitness Assessment

(OPNAVINST 6110.1G)



- **No longer ADSEP basis (MPM 1910-170 has been canceled)**
- **Consequences:**
  - PFA results shall be reported in Block 20 and failures shall be documented via Page 13 (enlisted) and Letter of Notification (officers) and included in “comments on performance” on eval/fitrep for reporting period.
  - Three failures within four year period require denial of reenlistment, promotion/advancement, and redesignation. Also, mark of 1.0 for “military bearing”, promotion “significant problems”, and retention “not recommended” required. Exception: if members meet CO’s definition of fitness progression, marks not mandated.
- **Members must pass three consecutive PFA to regain eligibility/marks.**
- **Enlisted will continue to EAOS**



# Counseling and Rehabilitation

Page 13's  
(MPM 1910-204)

- **Tool to correct behavior**
  - **Formal documentation**
  - **Gets Sailor's attention**
  - **"Quasi-Contract between Navy and Individual"**
    - **If you take corrective action, we will let you stay**
    - **Binding on Navy during remainder of enlistment**
- **Gives "another chance"**
- **Do not use excessively**



# Counseling and Rehabilitation

## Page 13's (MPM 1910-204)



- **Required if Processing For:**
  - COG - Parenthood
  - COG - Personality Disorder
  - COG - Physical or Mental Conditions
  - Entry Level Performance and Conduct
  - Unsatisfactory Performance
  - Misconduct - Pattern of Misconduct
  - Misconduct - Minor Disciplinary Infractions



# Fraudulent Enlistment

(MPM 1910-134)



- **Fraud vs. Erroneous**
- **Fraudulent (Sailor lied...intent by member to defraud...acted in bad faith)**
- **Usually detected by PERS-4832E**
- **Waiver Request**
  - **CO forwards to GCMCA or PERS-4832 for decision**
  - **Command forwards completed package to PERS-4832 for inclusion in permanent record**



# Minor Disciplinary Infractions

(MPM 1910-138)



- A Series of at Least Three, But Not More Than Eight Minor Violations of the UCMJ
- No Violations Could Result in a Punitive Discharge
- Offenses Documented in Service Record
- Occurred During Current Enlistment
- Disciplined by One NJP
  
- ***And violated a Page 13***



# Pattern of Misconduct

(MPM 1910-140)



- **2 punishments under UCMJ ( NJP/court-martial) ...or**
- **2 or more civil convictions...or**
- **1 NJP and 1 civil conviction...or**
- **3 UA's ( > 3 days; < 30 days)...or**
- **Failure to support dependents (a pattern)...or**
- **Failure to pay debts (a pattern)...**
  
- ***And violated a Page 13***



# Commission of a Serious Offense

(MPM 1910-142)



- **What is a serious offense?**
  - Violation of punitive article of UCMJ
  - Civilian or Military offense
- **May be separated if:**
  - Offense warrants separation
  - Punitive discharge is maximum punishment per Appendix 12 MCM
- **Can go straight to adsep...no mast or Court Martial required**
- **Can use notification procedures if OTH not warranted**
- **Some cases require mandatory processing and an admin board must be offered**



# Civilian Conviction

(MPM 1910-144)



- May be separated if:
  - Civilian Conviction or equivalent (deferred prosecution)
  - Misconduct is a serious offense or member receives six months or more confinement
- All civil convictions (federal, state, local) but **not** foreign court convictions
  - ***Conviction is binding:*** board only makes recommendation on retention/separation and characterization of discharge
  - Foreign court conviction allows processing but not discharge
- Can use notification procedures if OTH not warranted
- Some cases require mandatory processing and an admin board must be offered



# Drug Abuse "ZERO TOLERANCE"

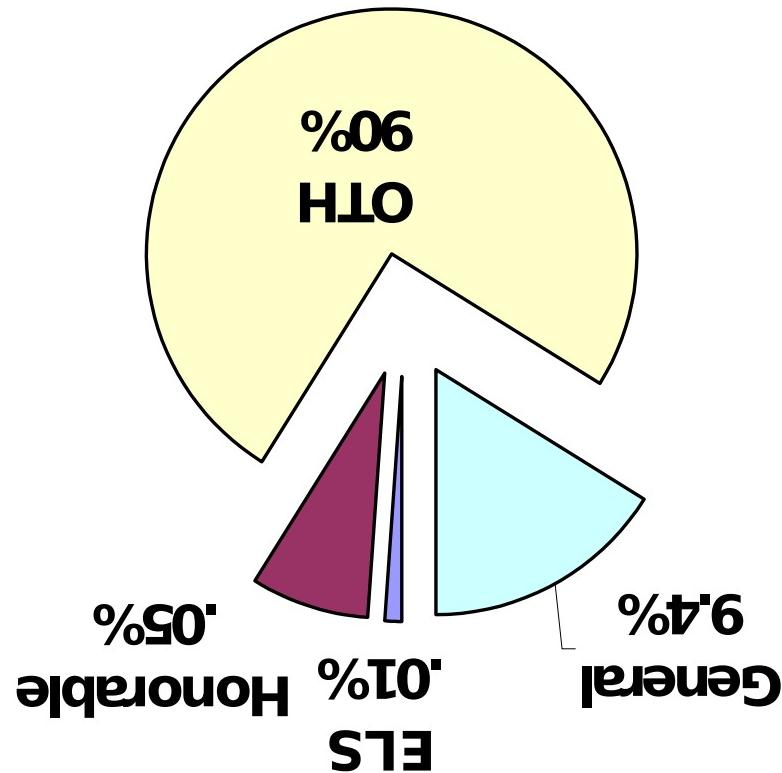
(MPM 1910-146)



- Offenses include:
  - use/possession/paraphernalia/trafficking
- Based on urinalysis, admission, eye witness, or other proof
- Mandatory Processing
- Civilian or Military Jurisdiction
- Normally Admin Board Procedures
  - OTH in most cases
  - Notification procedures for command directed urinalysis (one *not* based on probable cause or random in nature)



# FY05 Drug Separations “Zero Tolerance”





# Typical Drug Detection Windows\*



<b>THC (Marijuana)</b>	<b>3 - 5 days</b>
<b>Cocaine</b>	<b>2 - 4 days</b>
<b>Amphetamines</b>	<b>2 days</b>
<b>Barbiturates</b>	<b>1 - 2 days</b>
<b>Opiates/LSD</b>	<b>1 - 2 days</b>
<b>PCP</b>	<b>5 - 7 days</b>
<b>Steroids</b>	<b>3 days or longer</b>

**\* will vary with amount and duration of use**



# Homosexual Conduct

(MPM 1910-148)



- “Prior to Any Questioning, Members Suspected of Homosexual Conduct Should Be Advised of the DOD Policy on Homosexual Conduct and Apprised of their UCMJ, Article 31b Rights, if applicable.”
- Mandatory Processing based on *credible* information
  - Opinion, rumor, association activity not enough
- Forward evidence used by board
- Characterization based on service record review unless aggravating factors present:
  - Use of force, minor subordinate in



# Homosexual Conduct

(MPM 1910-148)

- Wording on Notice of Administrative Board Procedure ***Must Be Verbatim*** (Statement, Act, Marriage)
- “Homosexual conduct as evidenced by:
  - (***Statement***) “Member’s statement that he or she is a homosexual or bisexual, or words to that effect, which creates a rebuttable presumption that he or she engages in, has a propensity to engage in, or intends to engage in homosexual acts (***and....***)”
  - (***Act***) “Member engaging in, attempting to engage in, or soliciting another to engage in a homosexual act or acts



# Guidance on Investigations concerning homosexual conduct

- If homosexual conduct is alleged and CO sees as credible:
  - Must consult with GCMCA SJA before proceeding
  - If not available, seek advice from Navy trial service office or Navy Personnel Command
  - Document the consultation
- If homosexual statement is made and CO suspects it was made to avoid a service obligation:
  - Must receive permission to investigate from ASN (M&RA)
  - Send request via PERS-48
  - ASN definition: “a substantial inquiry . . . is an inquiry that extends beyond questioning the member who made the statement and/or a third party who reports that a member made a statement, individuals suggested by the member for interview, and the member’s immediate supervisory chain of command.”



# Alcohol Rehab Failure

(MPM 1910-152)



## MANDATORY PROCESSING

- Inability or refusal to participate in treatment
- Subsequent *incident/failure of aftercare*
  - discreditable involvement w/civil authorities
  - public/**domestic** disturbance
- PERS-4832 can grant waiver
- Characterization based on service record review



# Entry Level Performance and Conduct

(MPM 1910-154)



- Within First 180 Days of Continuous Active Duty
- Unqualified for Further Naval Service
  - Incapability
  - Lack of Reasonable Effort
  - Failure to Adapt to the Naval Environment
  - Minor Disciplinary Infractions
- *And violated a Page 13*



# Unsatisfactory Performance

(MPM 1910-156)



- One or More Enlisted Evaluations with 1.0 Marks for Any Performance Trait
- *And violated a Page 13*



# Unsat Participation in the Ready Reserve

(MILPERSMAN 1910-158)

- May be separated if:
  - at least 9 unexcused absences from scheduled training in a 12 month period
  - fail to:
    - » complete required annual training
    - » comply with involuntary recall to active duty
    - » report for a physical examination
    - » keep CO advised of pertinent mobilization information
    - » respond to official documentation, or
    - » complete Basic Training Equivalency or Non-Prior Service Accession Course within required time frame
- Can use notification procedures if OTH not warranted
- PERS-913 POC: DSN 882-4503



# Supremacist or Extremist Conduct

(MPM 1910-160)



- Substantiated incident or misconduct resulting from participation in supremacist or extremist activities
- Processed Under Misconduct - Commission of Serious Offense or Best Interest of the Service (BIOTS)
  - usually will involve one or more UCMJ violations
- *Call PERS-4832 for Advice Before Proceeding*



# FAP Rehabilitation Failure

(MPM 1910-162)



- PERS-483CC (DSN 882-3729) is the Case Manager for all child sexual abuse cases. Handles all FAP Flags
- Report all suspected child sexual abuse cases to NCIS, local FAR, and PERS-483CC
- Keep NCIS/local investigators “working the case.” Keep PERS-483CC informed
- Child molesters not normally retained and are processed under commission of a serious offense (MPM 1910-142)
- Changing instruction to give CO's more voice in processing and may treat intra/extrafamilial child abuse similarly



# Best Interest of the Service (BIOTS)

(MPM 1910-164)



- **Normal reasons for adsep don't fit**
  - 9 cases in FY04
  - Not a means to override due process
- SECNAV approves
- Not entitled to a board, notification procedure is used *with modifications*
- ***Must call PERS-4832 for advice before proceeding***



# Administrative Boards: Findings and Recommendations



- **Board Makes Three Decisions:**
  - Is basis for separation supported by evidence of record (“Did he/she do it?”)
    - » Binding on the Navy\*
  - Retention/separation/suspended separation
    - » Only a recommendation to separation authority
  - Characterization
    - » Recommendation (Honorable, General, OTH)
    - » Can be upgraded on review; but not downgraded



# Separation “Decision” Authority

(MPM 1910-704)



## ■ SPCMCA

- **Notification Procedures Used\*\***
- **Admin Board recommends General or Honorable**
- **In Lieu of Trial by Court-Martial (UA > 30 days)**

## ■ GCMCA

- **Admin Board recommends OTH or retention**
- **In Lieu of Trial by Court-Martial**

*\*\* Member can request flag officer review*



# Separation “Decision” Authority

(MPM 1910-704)



## ■ BUPERS/SECNAV

- Optional for “hard” or “sensitive” cases (NPC)
- Homosexual Conduct (NPC)
- Over 18 years of service (CNP)
- Misconduct due to Court-Martial Conviction; no punitive discharge; OTH characterization (SECNAV)
- BIOTS (SECNAV)
- Board finds *misconduct*, recommends separation, command wants to *retain* (CNP)
- Board finds basis, recommends retention, command wants to *separate* (SECNAV)



# Characterization of Discharge

(MPM 1910-300)



- **Command Responsibility (NAVADMIN 140/96)**
- **Temptation to take the “Easy Way Out”...giving a General when offense warrants an OTH**
- **Based on Service Record Review**
  - generally based on *total* performance
  - however, can be based on single adverse incident
  - not just a “number crunch” of evaluation marks



# Fleet Reserve Eligibility

(MPM 1910-166)



## ■ Active Duty

- Normally don't adsep over 20 years -- may request transfer to Fleet Reserve.
- If over 30 years -- may request transfer to the Retired List
- SECNAV has discretion to transfer *in reduced paygrade*
- Command endorsement mandatory
- Refusal: process for administrative separation
  - board makes recommendation on retirement pay grade

## ■ Inactive Duty (PERS-913)

- > 20 years TIS, < 60 years age -- may request



# Detachment for Cause

(MPM 1616-010)

- **E-7 - E-9's, Enlisted cases no longer decided by BUPERS**
  - First Flag officer in chain of command
  
- **Very strong administrative measure**
  - Single event or extended period; substandard behavior or performance
  - Not to be used in lieu of disciplinary action or adsep
  - Not a bar to retention or reenlistment



# Reenlistment Denial

(MPM 1616-030)



- Additional tool
- If member objects to CO's decision not to reenlist, member can go to PERS-4832 for review
  - Forward denial with members response
  - *Must provide adequate documentation*



# Summary

- **Adsep is the logical conclusion of an incompatible situation**
- **Adseps can be adverse or non-adverse actions**
- **Some Adseps are voluntary**
- **Some Adseps are mandatory**
- **Many involve subjective reasoning, CO's judgment**
  - Seriousness of offense and affect on command
  - Member's potential
  - Current environment
- **Is not punishment; uses preponderance of evidence**



## References

- <http://bupers.navy.mil>
- NAVADMIN 108/96: Self-Referral for Drug Abuse Rehabilitation
- NAVADMIN 140/96: Enlisted Administrative Separations
- NAVADMIN 193/96: Family Advocacy Program
- NAVADMIN 253/96: Disestablishment of Petty Officer Quality Control Review Board
- NAVADMIN 030/99: Navy Vaccination Program
- OPNAVINST 5350.4C: Drug/Alcohol Abuse



# Personnel Progression, Performance & Security Department (PERS-48) POC'S

DSN: 882-XXXX

- **ACNP for Personnel Progression, Performance & Security**
  - **(PERS-48): 901-874-3264**
- **Director, Personnel Performance & Security Division**
- **(PERS-483): 901-874-4426**
- **Attorney**
- **(PERS-06L6): 901-874-3160**



# Enlisted Separations Branch (PERS-4832) POC'S



DSN: 882-XXXX

## ■ Branch Head

- (PERS-4832): 901-874-4433

## ■ Deputy Branch Head

- (PERS-4832B): 901-874-4427

## ■ Enlisted Separations Section Head

- (PERS-4832D): 901-874-4432

## ■ Family Advocacy Matters

- (PERS-483CC): 901-874-2092



# Officer Performance and Separations

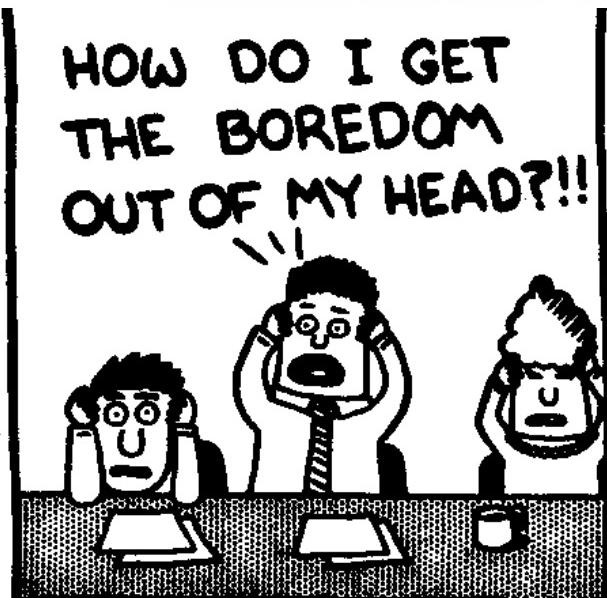
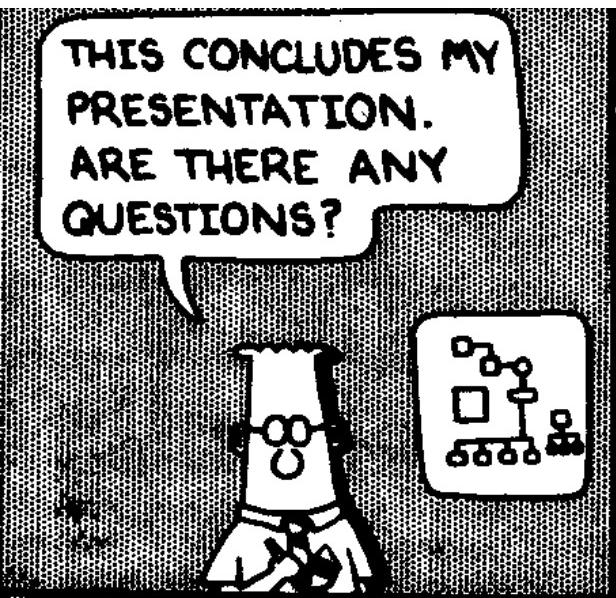
## Branch (PERS-4834) POC's

DSN: 882-XXXX

- **Branch Head**
  - (PERS-4834) 901-874-4424
  
- **Officer Performance Section**
  - (PERS-4834C) 901-874-4418
  
- **Unfavorable Officer Separations Section**
  - (PERS-4834D) 901-874-4420
  
- **Favorable Officer Separations Section**
  - (PERS-4834A) 901-874-3197



# The End!



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